

**PROPERTY ASSESSMENT APPEAL BOARD**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

PAAB Docket No. 2019-017-10010R

Parcel No. 051347601200

**Donald M. Taylor Jr.,**

Appellant,

vs.

**Cerro Gordo County Board of Review,**

Appellee.

---

**Introduction**

This appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on February 4, 2020. Donald Taylor was self-represented. Attorney Steven Tynan represented the Cerro Gordo County Board of Review.

The Donald Taylor and Nancy Taylor Trust owns a residential property located at 917 South Shore Drive, Clear Lake, Iowa. The property's January 1, 2019, assessment was set at \$1,315,640, allocated as \$843,480 in land value and \$472,160 in dwelling value. (Exs. A & B).

The Taylors petitioned the Board of Review contending the assessment was not equitable as compared with assessments of other like property. Iowa Code § 441.37(1)(a)(1) (2019). The Board of Review denied the petition. (Ex. B).

The Taylors then appealed to PAAB re-asserting their claim.

**General Principles of Assessment Law**

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. PAAB is an agency and the provisions of the Administrative Procedure Act apply. § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). PAAB may

consider any grounds under Iowa Code section 441.37(1)(a) properly raised by the appellant following the provisions of section 441.37A(1)(b) and Iowa Admin. Code R. 701-126.2(2-4). New or additional evidence may be introduced. *Id.* PAAB considers the record as a whole and all of the evidence regardless of who introduced it.

§ 441.37A(3)(a); see also *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct, but the taxpayer has the burden of proof. §§ 441.21(3); 441.37A(3)(a). The burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Compiano v. Bd. of Review of Polk Cnty.*, 771 N.W.2d 392, 396 (Iowa 2009) (citation omitted).

### **Findings of Fact**

The subject property is improved with a one-story brick home built in 1956. It has 2426 square feet of gross living area, 2400 square feet of living quarters-quality basement finish with a walk out, a deck, a stamped concrete patio, an open brick porch, and a two-car attached garage. The improvements are listed in above-normal condition with a 2-05 Grade (high quality). (Ex. A). The site is 0.386 acres with frontage on Clear Lake. For the assessment, there is a 29% topography obsolescence applied to the site. (Ex. A). The Board of Review explained this is an excess land adjustment to reflect the subject's site being larger than the typical 40-front-foot lot. (Ex. D).

The Taylors challenge only the valuation of their land and contend it is excessive when compared to the land values of other properties in their area. (Ex.C). At hearing, Don Taylor indicated he would have protested his total value but it was hard to find any comparables with similar improvements.

In support of their claim, the Taylors listed two properties they believe show their property is inequitably assessed. PAAB took judicial notice of the property record cards for Taylors' two comparable properties and a summary is in the following table. (Exs. 1-4).

Comparable	Site Size (Acre)	Lake Front Foot (FF)	Assessed Land Value	Beach
Subject Property	0.39	100	\$843,840	Rocky
1 – 441 North Shore Dr	0.55	121	\$840,290	Sandy
2 – 449 North Shore Dr	0.36	101	\$763,560	Sandy

Neither of the comparable properties have recently sold and both properties have a greater amount of lake frontage. The Board of Review asserts the subject is located in a superior location on the lake and has a higher value per front foot than either of the two comparables. The map shows the subject site is valued at \$11,000 per front foot and the Taylors' comparables are located in an area with front foot values of \$10,000. (Ex. G). The Board of Review believes this difference in location accounts for the differences in assessed value.

Don Taylor testified his property is next to a public approach to the lake, which he believes is a detriment. He further asserts his property's rocky shore line is inferior to the comparables' sandy beaches. Taylor also indicated the subject property has a rock retaining wall that requires regular maintenance.

The Taylors did not offer any other evidence.

Cerro Gordo County Assessor Katie Bennett explained the 2019 equalization study resulted in a median residential sale ratio of 92.33%. Considering only lake-front properties the median was even lower at 86.93%. (Ex. D). A ratio below 1.00 indicates assessed assessments are lower than sale prices. Based on the equalization study, Bennett asserts the properties in the county are generally under assessed. The Board of Review submitted the sales ratio report. (Ex. E).

Bennett noted Mr. Taylor's observations were true regarding the subject's adjacent public beach and shoreline as compared to the properties he selected. (Ex. D). However, she pointed out that Taylor had analyzed the data incorrectly since his analysis was not based on an effective front foot basis. She indicated all three properties are valued on an effective-front-foot basis and receive excess adjustments

because they are larger than the standard 40-front-foot lot. (Exs. D & I). Bennett's letter additionally points to a list of comparable sales for the subject property and the process for arriving at front-foot values in the jurisdiction. (Exs. F, G, H & I).

### **Analysis & Conclusions of Law**

The Taylors contend the subject property is inequitably assessed as provided under Iowa Code section 441.37(1)(a)(1). Their appeal only concerns the assessed land value. The Taylors bear the burden of proof. § 441.21(3). However, the Iowa Courts have concluded the "ultimate issue...[is] whether the *total* values affixed by the assessment roll were excessive or inequitable." *Deere Manufacturing Co. v. Zeiner*, 78 N.W. 2d 527,530 (Iowa 1956); *White v. Bd.of Review of Dallas County*, 244 N.W. 2d 765 (Iowa 1976)(emphasis added). Thus, while the Taylors' argument is focused on their land value, our analysis of the claim must focus on the subject property's total value.

To prove inequity, a taxpayer may show an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). The Taylors have failed to show any variation in assessment methodology. The Board of Review submitted maps and sales showing that the subject is valued in a uniform manner and explained why different sites ultimately have different assessed values.

Alternatively, a taxpayer may show the property is assessed higher proportionately than other like properties using criteria set forth in *Maxwell v. Shivers*, 133 N.W.2d 709, 711 (Iowa 1965). The *Maxwell* test provides inequity exists when, after considering the actual (2018) and assessed (2019) values of similar properties, the subject property is assessed at a higher proportion of its actual value. *Id.* This is commonly done through an assessment/sales ratio analysis comparing prior year sales (2018) and current year assessments (2019) of the subject property and comparable properties. It is insufficient to simply compare the subject property's assessed value to

the assessments of other properties or to compare the assessed value per square foot amongst properties.

The Taylors did not offer any evidence of recent sales of similar properties, their current assessed values, nor demonstrate the subject property's actual value. Without this information the *Maxwell* ratio analysis cannot be completed.

Viewing the record as a whole, we find the Taylors failed to prove the subject property's assessment is inequitable.

### **Order**

PAAB HEREBY AFFIRMS the Cerro Gordo County Board of Review's action.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2019).

Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action.

Any judicial action challenging this Order shall be filed in the district court where the property is located within 30 days of the date of this Order<sup>1</sup> and comply with the requirements of Iowa Code section 441.37B and Chapter 17A.



---

Karen Oberman, Board Member



---

Dennis Loll, Board Member



---

Elizabeth Goodman, Board Member

Copies to:

Donald Taylor Jr.  
5520 Glen Oaks Pt  
West Des Moines, IA 50266

Cerro Gordo County Board of Review by eFile

---

<sup>1</sup> Due to the State Public Health Disaster Emergency caused by the coronavirus (COVID-19), the deadline for filing a judicial review action may be tolled pursuant to orders from the Iowa Supreme Court. Please visit the Iowa Judicial Branch website at <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/> for the most recent Iowa Supreme Court orders.